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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,917	10/21/2003	Francis V. Smith	71060-0022	3200
22902	7590	08/12/2005	EXAMINER	
CLARK & BRODY 1090 VERMONT AVENUE, NW SUITE 250 WASHINGTON, DC 20005			GREENHUT, CHARLES N	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,917	Applicant(s) SMITH, FRANCIS V.	
	Examiner Charles N. Greenhut	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-12, 15-17 and 19-22 is/are allowed.
- 6) ☒ Claim(s) 1-6, 13, 14, 18 and 23-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>71060-0022</u> . | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 3652

Drawings

1. Figure 4A refers to element “1100” which should read “10”.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “cross members tapered in height” of claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Art Unit: 3652

1. Claim 26 is objected to because “an rear end” should read “a rear end”. Appropriate correction is required.
2. Claim 28 is objected to because “of one of more components” should read “of one or more components”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-4, 13, 14, and 23-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1.1. Claim 1 refers to “a center end portion” and claim 3 refers to “a central end portion.” This language is indefinite because it is not clear from the disclosure what “a center end portion” refers to. *Examiner assumes this language should read “center portion” as evidenced by subsequent references to this area.*

2. Claims 24-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2.1. Claim 24 refers to “a two receiving surface.” This language is indefinite because it is not clear from the disclosure what “a two receiving surface” refers to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3652

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 5 and 6 is/are rejected under 35 U.S.C. 102(b) as being unpatentable over LA RUE.

1.1. With respect to claims 5 and 6, LA RUE teaches a means for distributing the lifting load along a center portion of the front end assembly, distributing at least a portion of the lifting load to a center portion of an end of the trailer bed, and a center portion spaced from the sides of the trailer. LA RUE further teaches a means to distribute the lifting load laterally of the center portion, and to the outer portion of the trailer bed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 1-4, 13, 14, 18, and 23 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over LA RUE (US 2,846,263) in view of JAHN (US 3,498,636).
- 1.2. With respect to claim 1, LA RUE teaches a tapered box beam (21)/(22)/(32)/(36), extending from a pickup shaft (A) to the center portion (B), a center portion spaced from the sides of the trailer bed (46)/(42), the tapered box beam including at least two tapered box beam rails (21)/(22), each box beam rail aligned with a respective support rail (46)/(42), the box beam using the tapered rails as walls thereof, the box beam

having a top (32) and bottom (36) portion . LA RUE fails to teach the top portion including the hitch contact area. JAHN teaches the top portion including the hitch contact area. It would have been obvious to one of ordinary skill in the art to modify LA RUE with the top portion including the hitch contact area of JAHN in order to allow the trailer to be picked up without having to access the underside.

1.3. With respect to claim 2, LA RUE in view of JAHN teaches all elements of claim 1.

LA RUE additionally teaches the box beam rails disposed between a pair of side rails, and cross members (40)/(50) interconnecting the side rails. LA RUE fails to teach tapered side rails, interconnecting side rails, and cross members following the taper height. JAHN teaches tapered side rails (18)/(16), interconnecting side rails (111), and cross members following the taper height (28)/(36)/(30). It would have been obvious to one of ordinary skill in the art to modify LA RUE with the tapered side rails and cross members following the taper of JAHN in order to provide a ramp surface thereby facilitating the loading of vehicles. It would have been obvious to one of ordinary skill in the art to modify LA RUE with the interconnecting side rails of JAHN in order to improve the platform stability by more evenly distributing the load.

1.4. With respect to claim 3, LA RUE teaches a tapered box beam extending from a pickup shaft along the length of the trailer, the tapered box beam distributing the load along the box beam length and to a central portion of the trailer bed that is spaced from the sides of the trailer. LA RUE fails to teach lifting the trailer using a gooseneck. JAHN teaches the lifting the trailer using a gooseneck. It would have been obvious to one of ordinary skill in the art to modify LA RUE by lifting the trailer

using a gooseneck as taught by JAHN in order to allow the trailer to be picked up without having to access the underside.

1.5. With respect to claim 4, LA RUE in view of JAHN teaches all elements of claim 3.

LA RUE additionally teaches cross members and the lifting step distributing a load to at least a portion of the side rails via the cross members. LA RUE fails to teach the side rails connected together by cross members, and the cross members matching the taper of the box beam. JAHN teaches the side rails connected together by cross members, and the cross members matching the taper of the box beam. It would have been obvious to one of ordinary skill in the art to modify LA RUE with the cross members matching the taper of the box beam in order to provide a ramp surface thereby facilitating the loading of vehicles. It would have been obvious to one of ordinary skill in the art to modify LA RUE with the interconnecting side rails of JAHN in order to improve the platform stability by more evenly distributing the load.

1.6. With respect to claim 13, LA RUE in view of JAHN teaches all elements of claim 1.

LA RUE fails to teach the ramp sections can be removed and reinstalled. JAHN teaches ramp section that can be removed and reinstalled (18). It would have been obvious to one of ordinary skill in the art to modify LA RUE with the removable and reinstallable ramp sections of JAHN in order to selectively move the ramp sections into a loading position or a position clearing the area for travel.

1.7. With respect to claim 14, LA RUE in view of JAHN teaches all elements of claim 1.

LA RUE additionally teaches tapered rails having webs (35) and opposing flanges forming the top (32) and bottom (27) portions of the box beam.

1.8. With respect to claim 18, LA RUE in view of JAHN teaches all elements of claim 6.

LA RUE additionally teaches a removable axle assembly (1), the axle assembly a dual assembly for over the road use.

1.9. With respect to claim 23, LA RUE in view of JAHN teaches all elements of claim 1.

LA RUE additionally teaches a multiple axle over-the-road assembly removably attached to an end of the trailer.

2. Claim(s) 24, 26, 28 and 29 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over LA RUE in view of in view of JAHN and further in view of TALBERT (US 3,536,340).

2.1. With respect to claim 24, over LA RUE in view of in view of JAHN teaches all elements of claim 1. LA RUE fails to teach an adapter block mounted to the trailer for movement between a stored and operating position, the block resting on a top surface portion of the trailer in the operating position, the block having a receiving surface for the trailer lifting. TALBERT teaches an adapter block mounted (50) to the trailer for movement between a stored and operating position, the block resting on a top surface portion of the trailer in the operating position, the block having a receiving surface for the trailer lifting. It would have been obvious to one of ordinary skill in the art to modify LA RUE in view of in view of JAHN with TALBERT in order to facilitate hitching of the trailer and provide additional space when hitching member is not being used.

2.2. With respect to claim 26, 28 and 29, LA RUE in view of in view of JAHN teaches all elements of claim 1. LA RUE additionally teaches support rails are straight at a rear end (C). LA RUE fails to teach a pair of rear axle mounting plates connected to rear

ends of the support rails supporting an axle, a resting surface on top of the mounting plates, and fenders. TALBERT teaches a pair of rear axle mounting plates connecting to rear ends of the support rails supporting an axle, a resting surface on top of the mounting plates, and fenders. (Fig. 1 generally). It would have been obvious to one of ordinary skill in the art to modify LA RUE in view of in view of JAHN with the rear axle mounting plates and resting surface of TALBERT in order to connect the rear axle to the frame of the trailer, while providing an additional support surface to secure and support the working components of heavy machinery. It would have been obvious to one of ordinary skill in the art to modify LA RUE in view of in view of JAHN with the fenders of TALBERT to minimize the amount of dirt and debris kicked up on to the trailer bed from the rear wheels.

3. Claim(s) 27 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over LA RUE in view of JAHN and TALBERT and further in view of SMITH (US 6,113,338).

3.1. With respect to claim 27, LA RUE in view of in view of JAHNA and TALBERT teaches all elements of claim 26, LA RUE fails to teach rear axle mounting plates welded to rear ends of the support rails. SMITH teaches welding the rear axle mounting plates (Col.4 Li. 38). It would have been obvious to one of ordinary skill in the art to modify LA RUE in view of in view of JAHN and TALBERT with the teachings of SMITH in order to make a strong connection between the rear axle and the frame of the trailer.

Allowable Subject Matter

1. Claims 7-12, 15-17, 19-22 are allowed.

1.1. With respect to claims 7-9 and 15-17, the following is a statement of reasons for the indication of allowable subject matter: A trailer having a front loading end and a rear wheeled end that includes the unique feature of a central box beam having tapered box beam rails as walls of the box beam that further extend the length of the trailer in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

1.2. With respect to claims 10-12 and 19-22, the following is a statement of reasons for the indication of allowable subject matter: A method of constructing a front end loading trailer that includes the unique feature of at least two tapered support rails aligned with center support rails that extend a length of the trailer in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

2. Claim 25 and 30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

2.1. With respect to claims 25, the following is a statement of reasons for the indication of allowable subject matter:

2.1.1. A trailer having a front loading end, a trailer bed, and a rear wheeled end that includes the unique feature of a pair of adapter blocks separately pivotable between the stored and operating positions in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

2.2. With respect to claim 30, the following is a statement of reasons for the indication of allowable subject matter:

- 2.2.1. A trailer having a front loading end, a trailer bed, and a rear wheeled end that includes the unique feature of rear axle mounting plates that contain resting surfaces which extend through openings in the fender is not taught or fairly suggested by the prior art.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG


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PRIMARY EXAMINER e/e/05